

### REMARKS

In the last Office Action, the Examiner objected to claim 11 under 37 C.F.R. §1.75(a) as failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 5 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,724,339 to Ogawa. Claims 6 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. 02304737 to Okada. Claims 6 and 15 were further rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,310,916 to Dil. Claims 13, 16 and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,304,527 to ITo et al. Claims 1-4, 7-10, 12 and 18-20 were allowed by the Examiner. Claim 11 was indicated to be allowable if rewritten or amended to overcome the objection under 37 C.F.R. §1.75(a). Additional art was cited of interest.

Applicants and applicants' counsel note with appreciation the indication of allowable subject matter concerning claims 1-4, 7-12 and 18-20.

In accordance with this amendment, applicants have elected to accept the allowable claims. Thus, allowable claim 11 has been amended to overcome the objection under 37 C.F.R. §1.75(a) by remedying the lack of antecedent basis for the terms "the servo pit", "the servo region", and "the servo

data", and to provide antecedent basis for the "read-out track." Claim 10 has been amended in a manner similar to claim 11. The means-plus-function recitation of the photo-detecting means in each of allowed claims 7-9 has been revised to clarify that the near field light is scattered by the "servo bits" rather than by "servo data."

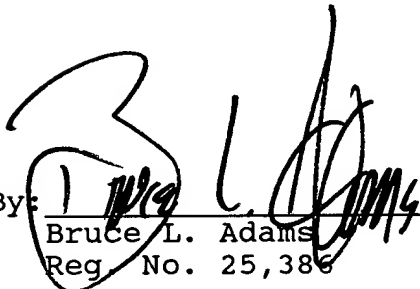
Claims 5, 6 and 13-17 have been canceled without prejudice or admission, thereby rendering the prior art rejections of these claims moot.

Thus, in accordance with this amendment, all of the rejected claims have been canceled, and only allowable claims 1-4, 7-12 and 18-20 remain pending, thereby placing the application in condition for allowance.

In view of the foregoing, favorable consideration together with passage of the application to issue are respectfully requested.

Respectfully submitted,

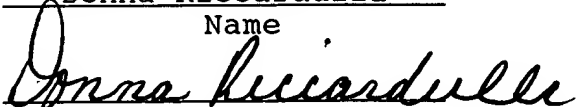
ADAMS & WILKS  
Attorneys for Applicants

By:   
Bruce L. Adams  
Reg. No. 25,386

17 Battery Place  
Suite 1231  
New York, NY 10004  
(212) 809-3700

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Donna Riccardulli  
Name  
  
Signature

November 25, 2005  
Date